

## TITLE XVI

### ZONING AND CONSTRUCTION

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**Chapter 1. Uniform Administrative and Building Code****Section 16-1-1. Title, scope and general.**

A. *Title.* This title shall be known as the Uniform Administrative and Building Codes of the Pueblo of Laguna, and shall be cited or referred to herein as the "Building Code".

B. *Purpose.* The purpose of this Building Code is to provide for the administration and enforcement of all technical, building, plumbing, mechanical, life safety, fire and National Electrical Codes within the jurisdiction of the Pueblo.

C. *Scope.* The provisions of this Code shall serve as the administrative, construction, organizational, enforcement and services rules for the technical codes which regulate the preconstruction documents, site preparation, construction, alteration, moving, demolition, repair, use/occupancy, structures, buildings and service equipment within the jurisdiction of the Pueblo.

**Section 16-1-2. Application to existing buildings and service equipment.**

A. *General.* Buildings, structures and service equipment to which new construction, additions, alterations or repairs are made shall comply with all the requirements of the building codes, except as specifically identified or provided in this section.

B. *Additions, alterations or repairs.* Additions, alterations or repairs may be made to any traditionally constructed building or equipment without requiring the existing building or its equipment to comply with all the requirements of the building codes, provided the addition, alteration or repair conforms to traditional methods as required and provided, no hazard to life, health or safety will be created by such additions, alterations or repairs. Any building so altered, which involves a change in use or occupancy and utilizes standard construction methods, shall not exceed the height, number of stories, area or other requirements permitted by the building codes as applicable to these requirements.

- (1) Alterations or repairs to an existing building or structure, that are nonstructural and do not adversely affect any structural member or any part of the building, may be completed with the like material, and shall retain comparable fire resistance and maintainability attributes of the existing building or structure. Such alterations or repairs may be subject to approval by the building official.
- (2) Minor additions, alterations, replacements or repairs to existing building service equipment may be subject to the building codes based on circumstances of continued use of such equipment, at the time of installation or the replacement with new unit. The scope of this activity is subject to approval of the building official, and provided such additions, alterations, renewals and repairs will not cause the existing building service equipment to become unsafe, unsanitary or pose a threat to the general public.
- (3) Exceptions. The installation or replacement of specialized materials or equipment for existing buildings or structures shall be evaluated by the building official as required for new or replacement installations.

C. *Existing installations.* Building service equipment, operated and maintained, at the time of adoption of the building codes shall be authorized to maintain operation, use or be repaired in accordance with the manufacturers' original design or concept, and shall not be hazardous to life, health or property.

D. *Existing occupancy.* Buildings, in existence at the time of the Building Code adoption, may retain the existing use or occupancy, provided such use or occupancy was certified legitimate at the time of the adoption of the Building Code by the Mayordomos or staff official, provided such use is not dangerous to life, health and safety. Any change in the use or occupancy of an existing building or structure shall comply with the provisions of section 16-1-20 of this chapter.

E. *Maintenance.* All buildings, structures and service equipment, existing or new, shall be maintained in a safe and sanitary condition. All devices or safeguards, that are required by the manufacturer or cited by building code, shall be maintained in conformance under which installation was completed. The owner or his designated agent shall be responsible for the maintenance of the buildings, structures and service equipment. Compliance, for maintenance issues which become unsafe, unsanitary or hazardous to occupants or the general public, may be certified by inspection of the building or structure by the building official.

F. *Moved building.* Buildings, structures or service equipment moved onto or moved within the jurisdictions of the Pueblo shall comply with the provisions of the building codes for new buildings or structures and service equipment. Additionally, it shall be the responsibility of the owner to record any damages which may occur as a result of the moving of the building, structure or service equipment. Such damages may be those suffered by the surrounding area affected by the move, other buildings/structures, utilities or the transport route.

G. *Historic buildings.* Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building, structure, or service equipment shall be made with conformance to all the requirements of the building codes when in the option of the building official, the following applies:

- (1) The building or structure has been designated by official action of the village with jurisdiction, that a special historical or architectural significance exists.
- (2) Any unsafe conditions as described in this Building Code are corrected by current practices and methods of construction.
- (3) The restored building, structure or service equipment may become dangerous, life threatening or hazardous based on life safety, fire safety and sanitation nonconformance of the existing building. All provisions for restoration shall cite current building codes as required.

### **Section 16-1-3. Definitions; general.**

For the purpose of this chapter, certain terms, phrases, words and their derivatives shall be construed to cite as defined in this chapter. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are referenced by Webster's

New International Dictionary of the English Language, Unabridged, latest edition and shall be considered as providing ordinarily accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender shall include the feminine and vice versa, the feminine to the masculine.

*Addition* means an extension or increase in floor area or height of a building or structure.

*Alter* or *alteration* means any change or modification in construction or building service equipment.

*Approved* (referenced to materials, equipment and systems) refers to approval by the building official as the result of inspections, investigation and tests conducted by him, or by reason of applied/accepted principles or tests by recognized authorities, technical or scientific organizations.

*Approved agency* means an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the building official.

*Assignment* means the traditional method of lot assignment for residential development through the village officers, who are authorized to make such assignment. An investigation of any prior claims may be conducted for final validation. Assignment is specific as to use. For an individual Pueblo member or family who wishes to build a residence for his or her or its own use, the assignment constitutes the building permit (see subsection 16-1-13A.(2)(a)). Each assignment made by the Pueblo Council shall be recorded by the village Mayordomos and provided to the Central Records Clerk of the Pueblo.

*Building* means any structure used or intended for supporting or sheltering any use or occupancy.

*Building code* means the Uniform Building Code, as promulgated by the International Conference of Building Officials, as amended.

*Building official* means the officer or other designated authority charged with the administration and enforcement of this chapter, or his duly authorized representative.

*Construction inspector* means the person providing inspection services, for the building official, in accordance with the project manual and construction plans to provide quality assurance and quality control.

*Dangerous building code* means the Uniform Code for the Abatement of Dangerous Buildings promulgated by the International Conference of Building Officials, as amended.

*Electrical code* means the National Electrical Code promulgated by the National Fire Protection Association, as amended.

*Energy code* means the Code for Alternative Energy and Energy Conservation in new building construction promulgated by the National Conference of States on Building Codes

and Standards, Inc., the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials, and the Southern Building Code Congress International, Inc., as amended.

*Fire code* means the Code for Life Safety from Fire in Buildings and Structures, promulgated by the National Fire Protection Association, as amended. Uniform Fire Code as published jointly by the International Conference of Building Officials and the Western Fire Chief Association, is recognized as a reference document of recommended standards for the design, construction, alteration and repair of structures. Those provisions of the Uniform Fire Code providing for licenses, permits, inspections and enforcement, as well as all provisions thereof which are inapplicable to design, construction, alteration and repair of structures are excluded.

*Guidelines* means the Guidelines for Traditional Construction, published by the Pueblo.

*Jurisdiction* as used in this chapter, means all lands within the jurisdiction of the Pueblo, and includes all land held by the United States in trust for Laguna Pueblo and all lands within the exterior boundaries of the Pueblo Reservation or Pueblo grant regardless of whether the lands are owned in fee, held in trust by the United States for the Pueblo or otherwise held..

*Listed* and *listing* are terms referring to equipment and materials which are shown in a list published by an approved testing agency, qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions and whose listing states that the equipment complies with recognized safety standards.

*May* as used in this chapter, means permissive for compliance.

*Mechanical code* means the Uniform Mechanical Code promulgated by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials.

*Occupancy* means the term for which a building or part thereof, is used or intended to be used and shall include any building or part thereof housing such use.

*Owner* means the Pueblo of Laguna, any Pueblo member, or Pueblo corporation having a legal or equitable interest in the property.

*Permit* means an official document or certificate, issued by the building official, authorizing performance or acceptance of a specified activity.

*Person* means a natural person, his heirs, executors, administrators or assignees, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

*Plumbing code* means the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials, as amended.

*Pueblo member* means a person who has qualified by quantum and been duly recognized as a member of the Pueblo in accordance with applicable provisions of the Pueblo Constitution and ordinances.

*Repair* means the reconstruction or renewal of any part of the existing building, structure or building service equipment for the purpose of its maintenance.

*Service equipment* refers to any plumbing, mechanical, electrical and life/safety equipment including piping, wiring, fixtures and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration and fire protection facilities essential for the habitable occupancy of the building or structure for its designated use and occupancy.

*Shall* as used in this chapter, means mandatory.

*Solar energy code* means the Uniform Solar Energy Code promulgated by the International Association of Plumbing and Mechanical Officials, as amended.

*Structure* means that which is built or constructed, an edifice or building or any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

*Swimming pool code* means the Uniform Swimming Pool Code promulgated by the International Association of Plumbing and Mechanical Officials, as amended.

*Technical codes* refers to those codes containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and building service equipment as herein defined.

*Uniform Building Code* means standards promulgated by the International Conference of Building Officials.

*Valuation or value* as applied to a building and its service equipment, shall be the estimated cost to replace the building and its building service equipment in kind, based on current costs.

#### **Section 16-1-4. Conflicting provisions.**

A. Wherever conflicts with these provisions or requirements occur, between the building code and any other codes or laws concerning issues with life safety, sanitation, accessibility or fire safety, a variance interpretation shall be provided by the building official or by Pueblo Council.

B. Conflicts between any specific provisions of this chapter and any administrative provisions, shall be resolved by reference to the most recent developed and approved law.

#### **Section 16-1-5. Alternate materials and methods of construction.**

A. The provisions of the building codes are not intended to prevent the use of any material or method of construction not specifically identified in the building code, provided that any alternative material or method has been approved and its use authorized by the building official.

B. All alternate materials and methods shall be equivalent of that prescribed in the building codes in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation. Sufficient evidence or proof shall be submitted to substantiate any claims for use of alternate materials and methods, with granted approval documentation.

C. The use of traditional building materials and methods is recognized for single-family houses that are constructed by or for Pueblo members on Pueblo Lands. Methods and materials shall follow the "Guidelines For Traditional Construction" as published by the Pueblo.

**Section 16-1-6. Modifications.**

Whenever there are difficulties in administering provisions of the building codes, the building official shall provide clarification based on the conflicting issues, on an individual case. The official shall determine the extenuating reason relating to the building code, making application impractical and requiring such modification. Evaluation for conformity, with the intent and purpose, of the building code shall determine whether the modification does not impact health, life, structural integrity and fire safety requirements in any degree. Upon which, the granting of approval for such modifications shall be recorded with the building code enforcement agency.

**Section 16-1-7. Tests.**

A. Whenever there is a question, with compliance, with any of the building code provisions or evidence that materials or construction do not conform, the building official shall require testing or exposure of the nonconforming item, as required by current approved testing method.

B. In the absence of recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures necessary to substantiate compliance.

C. All tests shall be made by an approved firm or agency, with the reports of such tests retained by the building official for a period required for the retention of public records.

**Section 16-1-8. Organization and enforcement.**

A. *Creation of enforcement agency.* A building code administration office shall be established under the administrative and operational control of the building official.

B. *General.* Whenever the term or title "administrative authority", "responsible official", "chief inspector", "code enforcement officer" or other similar designation is used herein or in any other construction related documentation, it shall be construed to mean the building official as designated by the Pueblo Government.

**Section 16-1-9. Powers and duties of the building official.**

A. *General.* The building official is hereby authorized and directed to enforce all the provisions of this chapter and other referenced administrative requirements.

B. *Inspectors.* In accordance with the building code and with the approval of the appointing authority, the building official shall manage building inspector(s) and other employees to provide quality assurance and quality control services.



C. *Right of entry.* Whenever necessary to conduct an inspection for reasonable cause of a building code violation, in any building or upon any premises which causes a building or premises unsafe, dangerous or hazardous, the building official or his authorized representative may enter such building or premises. The building official shall present proper credentials to the owner or other persons having charge (control) and enter such building or premises occupied or unoccupied. Should entry be refused, the building official or his authorized representative, shall have recourse to require the law enforcement to secure entry.

- (1) The building official or his authorized representative, shall be authorized by the Governor's Office or his representative, to provide the required inspections and to gain access to those premises as required to render a complete review of the work. No owner or occupant or any other persons having charge, or responsibility of any building or premises shall restrict entry by the building official or his authorized representative, for the purpose of inspection and examination pursuant to this chapter.

D. *Stop orders.* Whenever work progress, contrary to the provisions of this chapter or the project specifications is substantiated, the building official may order the work stopped by notice in writing, served to the project superintendent. All work will remain stopped until the work is evaluated and the noncompliance issues are clarified and retrofitted and authorization is issued by the building official to proceed with the work.

E. *Occupancy violations.* Whenever any building or structure occupancy is utilized contrary to the provisions of the occupancy building code, the building official may order such use discontinued by written notice served to any person in violation. Such person shall discontinue the use within the time prescribed by the building official until notice is provided to reoccupy the building or structure.

F. *Authority to disconnect Pueblo-operated utilities.* The building official or his representative, shall have the authority to request a disconnection of any Pueblo-operated electrical service supplied to the building, structure or equipment regulated by building code in case of emergency to eliminate an immediate hazard to life or property. The building official shall notify the occupant of the building, structure or equipment, prior to completion of the electrical service disconnection and shall notify owner or occupant of the building, structure or equipment, in writing.

G. *Condemnation of building or equipment.* In a written opinion of a professional engineer, licensed architect or the Governor, any building or equipment covered by this chapter that has become hazardous to life, health, property, or is unsanitary, shall provide a written order that such building or equipment shall either be removed or restored to a safe or sanitary condition. The written notice shall fix a time limit for compliance with such order. No person shall occupy, use, or maintain a defective building or equipment after receiving such notice.

- (1) When such electrical service equipment to a structure or other use equipment is a safety violation and is to be disconnected or removed, written notice of action(s) will be provided to the serving utility and the occupant of the building, structure or premises.

- (2) When any building utility service equipment is maintained in violation of this chapter, or in violation of other utility owners, and in violation of any notice issued pursuant to the provisions of this section, the building official shall process and institute any appropriate action to prevent, restrain, correct or abate the violation.

H. *Connection after order to disconnect.* No person shall make connections of any fuel, power supply or other supply, nor supply energy or fuel to any building utility service equipment that has been disconnected or ordered to be disconnected by the building official, unless corrections are made and approved by the building official.

I. *Liability.* The building official, or his representative, responsible acting in good faith without malice in the discharge of his or her duties, shall not be held liable for any damage to persons or property, as a result of conditions surrounding violations of the building code. Neither this section, nor any other provision of this chapter, shall be construed as a waiver of sovereign immunity of the Pueblo, its officials or employees.

- (1) All codes shall be construed to provide for a safe and habitable environment, with the responsibility for any damages to persons or property caused by defects or unforeseen situations to the individual owning, operating or controlling any building, structure or building utility service equipment therein. The building official or his representative, shall not be held as assuming any liability by reason of conduct of inspections and enforcement following the protocol of these codes.

J. *Cooperative effort of other officials or officers.* It is the objective of this Code to call on the assistance of those officials or officers to support, assist and cooperate with situations that violate the adopted building codes within each of the village's jurisdiction.

#### **Section 16-1-10. Unsafe buildings, structures or building service equipment.**

A. All buildings or structures, that are structurally inadequate, have egress issues, constitute a fire hazard, or are otherwise dangerous to human life is, for the purpose of this section classified unsafe, shall be regulated by this chapter.

B. Building equipment, that constitutes a fire, electrical, health hazard, unsanitary condition, or is otherwise dangerous to human life is, for the purpose of this section classified unsafe, shall be regulated by this chapter.

C. Use of buildings, structures or equipment constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, classified unsafe use shall be regulated by this chapter.

D. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part of a building and which are in deteriorated condition or unable to sustain the design loads are hereby designated unsafe building appendages and shall be regulated by this chapter.

E. All unsafe buildings, structures or appendages and building service equipment are hereby declared to be public hazards and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Buildings Code, or such alternate adopted by this jurisdiction. As an alternative, the building official or other employee or official as designated by the governing body may institute any other appropriate action to prevent, restrain, correct or abate the violation.

**Section 16-1-11. Board of appeals.**

A. The board of appeals shall consist of five (5) members who are qualified by experience and training in all aspects of construction and code administration to evaluate issues pertaining to alternate materials and methods of building construction and building equipment. Determination of the suitability of construction shall follow reasonable interpretations of the technical codes, and notice of acceptance of alternate materials or methods will be tendered. The board of appeals shall be appointed by the Pueblo Council with members at large, with the fire chief and other professionals as an ex-officio member. The board shall adopt rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the requestor and filed within the building official office.

B. *Applications.* All appeals shall be initiated by writing to the building official and enclosing a twenty-dollar (\$20.00) fee payable to and retained by the Code Administration Office of the Pueblo. The applicant shall pay all expenses for any tests, calculations, samples, information, etc., the board of appeals may deem necessary.

C. *Qualifications.* Members of the board of appeals shall be qualified by education, training and experience to render a determination on matters pertaining to building and construction, permitting, appliances, equipment, facilities, systems and conditions.

- (1) Members should have seven (7) or more years of experience in their professions, and should be registered architects, registered professional engineers, related designs and licensed contractors, practicing general building, mechanical, plumbing or electrical contracting. The building official shall recommend members to the Pueblo Council, who shall appoint members for three-year terms.

D. *Quorum and decisions.* Any combination of five (5) members shall constitute a quorum. A simple majority of the quorum present shall be decisive.

E. If application for an appeal is received by the building official any action recommended by the building official shall be temporarily vacated, unless emergency action is called for, until a final decision on the appeal is rendered by the board.

F. No member of the board shall take part in any appeal or hearing in which he has personal or financial interest. If a member of the board is disqualified, the Pueblo Council shall appoint an alternate member to take part in that particular appeal. All meetings of the board shall be open to the public.

**Section 16-1-12. Violations.**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment or permit the same to be done in violation of this chapter.

**Section 16-1-13. Permits and inspections.****A. Permits.**

- (1) *Permitting.* It shall be a violation of this chapter for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish any building, structure or install, alteration, repair, replacement, or remodel, any building service equipment regulated by this chapter except as specified in subsection (2) of this section. An appropriate permit for each building, structure or building service equipment activity shall be obtained from the building official following the submission of the appropriate construction drawings and specifications, including all pertinent calculations and specialized considerations that are involved in the project.
- (2) *Exempted permit activities.* A permit shall not be required for the types of work listed below. Exemption from the permitting requirements of this chapter shall not be deemed as authorization for any work to be done in violation of the administrative and technical codes or any other laws or ordinances of the Pueblo. Building activities exempted from permitting:
  - (a) A residence being built traditionally or otherwise, by a Pueblo member or his immediate family for their own use and occupancy. The lot assignment, by the village officers, and/or Pueblo Council (see section 16-1-3 "Assignment") shall constitute the building permit. Building of the residence is subject to the building codes where applicable, and notice of guidelines review assistance is offered by the code administration office. Mechanical and electrical permits shall be processed through the respective utility with an exception for electrical service connections. The exception requires the acquisition of a "certificate of compliance" from the engineer/planner's office for meter installations. No Pueblo fees are charged for these permits, however, all costs for testing and certification shall be compensated by the participant.
  - (b) One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the roof area does not exceed one hundred twenty (120) square feet and does not interfere with any existing utility easement or require connection of any utility.
  - (c) Fences and freestanding masonry walls not over six (6) feet high.
  - (d) Furnishings such as movable cases, counters and partitions not over five (5) feet high.

- (e) Retaining walls which are not over eighteen (18) inches in height and not located, or proposed to be constructed on or within easements or rights-of-way, provisions for construction shall be in accordance with the building code or requirements as set forth by the utility.
- (f) Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two to one (2:1).
- (g) Platforms, walks and driveways not more than thirty (30) inches above grade or constructed within street or road rights-of-way and over any basement or story below. Permits shall be required if the construction is subject to right-of-way/ easements or over any basement or story below.
- (h) Painting, papering and similar finish work.
- (i) Temporary motion picture, television and theater stage sets and scenery.
- (j) Window awnings supported by an exterior wall of group B, division 3 and group M. Occupancies when projecting not more than fifty-four (54) inches.
- (k) Prefabricated swimming pools accessory to a group B, division 3, occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed five thousand (5,000) gallons.
- (l) Minor or maintenance repairs that do not alter the operation of the existing utility systems.
- (m) Installations or work performed when immediate action is imperative to safeguard life, health or property, provided such person making the installation or performing the work applies for a permit covering the installation or work not later than the next business day.
- (n) Construction, alteration or repair work for which a permit is not required by law or ordinance. (see section 103)
- (o) Television and radio antennas supported on roofs.
- (p) Cabinetry work.
- (q) Treehouses, tents or other temporary shelters not specifically classified as a permanent shelter.
- (r) Plastering or paneling of existing surfaces provided the material meets all applicable requirements of flame spread by this chapter.
- (s) Signage for individual Pueblo member use, for short-term advertisement, provided the owner of a sign is responsible for its erection, maintenance and removal after such activity. Compliance with the provisions of this chapter or any other law or ordinance regulating the use shall be applicable for any other use by Pueblo organizations or private enterprises.

(3) *Other exceptions for signage are as follows:*

- (a) The changing of the advertising copy of an existing permitted message on a painted or printed sign only. Except for theater marquees and similar signs specifically designed for the use of a replaceable copy, electric signs shall not be included in this exemption.
- (b) Painting, repainting or cleaning of an advertising structure or the changing of the advertising copy message therein shall not be considered an erection or alteration which requires a sign permit unless a structural change is made. Permission of accessing the site shall be requested by the private owner of the sign.

(4) Unless otherwise exempted by this chapter any separate plumbing, electrical and mechanical permits required for the above exempted items, shall be obtained where applicable.

(5) *Plumbing activities, exempted from a permit:*

- (a) The stoppage, repair or controlling of leaks in sewer drains, soil, waste or vent pipe, provided, any concealed trap, drainpipe, soil, waster or vent pipe does not become defective. The stoppage, repair or controlling of leaks in water service lines, water service mains, fire hydrants, connection clamps, water main piping or valving. Should it become necessary to remove and replace with new material or retrofitting of a particular system be necessary, a permit shall be procured and inspection made as provided in this chapter.
- (b) The clearing of stoppages or the repairing of leaks in sewer pipes, valves or fixtures, for the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
- (c) The stoppage or controlling of any public water supply leaks in supply lines beyond the curb valve, meter can/vaults or other known valving installed for the purpose of controlling supply to the home or business.
- (d) Work which requires immediate action to promote or safeguard life, health or property, provided such person performing the work applies for a permit covering the work not later than the next business day.
- (e) The installation of temporary lines for testing equipment or apparatus. No deviation may be made from the installation described in the permit without the approval of the building official.

(6) *Electrical activities exempted from a permit:*

- (a) Temporary portable appliances energized by means of an approved UL cord or cable having an attachment plug end to be connected to an approved receptacle provided such receptacle is rated and constructed for exterior use safeguards.

- (b) Repair or replacement of fixed motors, transformers or fixed approved appliances, by a qualified licensed electrician, of the same type and rating in the same location.
  - (c) Temporary decorative lighting constructed in accordance with exterior use provisions.
  - (d) Repair or replacement of current-carrying parts of any switch, receptacle or current control device, by a qualified licensed electrician.
  - (e) Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems by a qualified electrician.
  - (f) Taping joints, when activities are performed by a qualified electrician.
  - (g) Removal of electrical wiring when the power is disconnected by the utility or switched off by means of a main disconnect or breaker disconnection at the panel. All activities shall be performed by a qualified electrician.
  - (h) Temporary wiring for experimental purposes in compliance with suitable situations where safety precautions are taken.
  - (i) Electrical wiring, devices, appliances, apparatus or equipment operating at less than minimum allowable voltage for shock and not capable of supplying more than fifty (50) watts of energy.
  - (j) Low-energy power, control and signal circuits of Classes II and III, as defined in the electrical code.
  - (k) Immediate actions imperative to safeguard life, health or property, provided, such person performing the work applies for a permit covering the work not later than the next business day.
- (7) *Mechanical activities exempted from a permit:*
- (a) Any portable heating, ventilating and cooling equipment or appliance.
  - (b) Construction or replacement of any closed system of steam, hot or chilled water piping within any existing or new heating or cooling equipment regulated by the mechanical code.
  - (c) Replacement of any component part of assembly of an appliance which does not alter its original approval and complies with other applicable requirements of the technical codes.
  - (d) Any refrigerating equipment which is part of the equipment system for which a permit has been issued pursuant to the requirements of the technical codes.
  - (e) Any refrigerating system as defined in the mechanical code.
  - (f) The installation of temporary lines for testing equipment or apparatus.
  - (g) Activities or work performed as an immediate action to safeguard life, health or property, provided such person performing the work applies for a permit covering the work not later than the next business day.

**Section 16-1-14. Application for permit.**

A. *Application.* To obtain a permit, the applicant shall submit a completed application, on a form furnished by the building code administration office for that purpose. Every such application shall describe in detail the following:

- (1) The scope of work to be performed and to be covered by the permit.
- (2) The location, by village jurisdiction, on which the proposed work is to be done by site description, and other details that will readily identify and definitely locate the proposed building or work.
- (3) The use or occupancy for which the proposed work is intended.
- (4) Plans, diagrams, computations and specifications and other data as required in subsection B. of this section, to the offices of the building official.
- (5) Contractor or subcontractor approval to perform work on the Pueblo. State the valuation of any new building or structure or any addition, remodeling or alteration in an existing building.
- (6) Each permit shall be signed by the permittee or his authorized agent, who may be required to submit evidence to indicate such authority.
- (7) Provide other data and information as may be required by the building official.

B. *Plans and specifications.* With each application for a building permit, as required by the building official, a complete set of plans and specifications describing the scope of work shall be submitted. The building official shall require that all plans and specifications be prepared and sealed by a registered architect and/or registered professional engineer licensed to practice in the State of New Mexico. Exceptions to this requirement may be granted by the building official, as noted, provided the building or project location presents no unusual conditions or hazards.

C. *Exceptions.*

- (1) The building official may waive the submission of plans, calculations, etc., if he finds the nature of the work applied for is such that, reviewing of plans are not in violation with this chapter.
- (2) Buildings, other than residential, with a value not exceeding fifty thousand dollars (\$50,000.00), identified for renovation or other alteration work are exempt from plan and specification review unless the work involves public welfare or the safeguarding of life, health or property is involved.
- (3) Group R-3 Occupancies, if the scope of work does not involve structural, plumbing or electrical improvements and is confined to a single-story in height and having not more than two (2) units joined either horizontally or vertically.
- (4) Group M Occupancies.



D. As a requirement showing the responsibility level of licensed engineers and architects, their seal and signature shall be demonstrated on each sheet of the drawings and should include the following listed professionals by name and current address. Where any additional specific technical consideration is required, the professional shall sign and seal relevant information in the plans.

- (1) Architect or engineer;
- (2) Structural engineer;
- (3) Electrical engineer;
- (4) Mechanical engineer;
- (5) Civil engineer.

E. *Information on plans and specifications.* Plans shall be drawn to scale, on paper with a minimum size of eleven (11) inches × seventeen (17) inches, and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of the technical codes and all relevant building regulations. Information on plans and specifications shall include, but not be limited to the following: Location of the work, name and address of the owner, the contractor and the party preparing the plans, seismic zone, type of construction, square foot area of the project, type of building, design parameters including soil bearing capacity, concrete strength, lumber and steel stress values, etc., roof and floor design loads. Plans shall also include a scaled plot plan showing location of the proposed building and of every existing building within one hundred (100) feet. One (1) set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized thereby is in progress.

F. Review of special project permitting will be processed through the building official and shall be cited as; three-story wood framed buildings, retaining walls, or any other data or computations not specifically mentioned herein, to ensure a safe and quality project.

G. Plans for buildings, other than special groups R-3 and M Occupancies, shall indicate compliance to life safety requirements where penetration are made for electrical, mechanical, plumbing, and communication conduits, pipes and similar systems.

H. For groups R-3, special permitting and M Occupancies, a minimum plan submittal shall include, but not be limited to the following drawings; plot plan, foundation plan, floor plan, framing plan, cross section through bearing wall, elevations. Electrical, plumbing and heating work may be shown on the floor plan if the overall scope of work is still clearly shown.

I. Information, computations and as-built information on building services equipment shall be indicated on the plans including installation of homeowner plumbing, drainage, gas piping, heating and cooling, ventilating and refrigeration systems. Electrical plans shall show electrical risers, conductor sizes, grounding, load calculations, disconnects, panel schedules, and wiring methods.

**Section 16-1-15. Permit issuance.**

A. Issuance. Only an individual firm, partnership or corporation duly licensed as a contractor by the Pueblo or by the State of New Mexico, will be issued a permit by the Pueblo Council. However, any contractor, who is excluded by the Governors Office or any village governing body, shall not be eligible to receive a permit, until a review of conditional restraint is performed.

B. The permit application, plans and specifications, and other documentation filed by an applicant, shall be reviewed and processed through to the governing body by the building official. Such documentation may be reviewed by other departments, to verify compliance with any additional regulations or building codes under their jurisdiction. Upon review and compliance of the proposed work, described in an application and documentation filed therewith, the fee requirements shall be paid, and a permit shall be issued to the applicant.

C. Permit issuance shall be indicated in writing or stamped on the plans and specifications "APPROVED". Such approved plans and specifications shall not be changed, modified or altered without authorizations from the building official, and all work shall be done in accordance with the approved plans.

D. Permit procedures for one (1) owner/developer, for multiple structures.

- (1) Plumbing, mechanical and electrical permit procedures for multiple units, one owner/developer, built on the same property or lot where the gas, electric or other utilities are furnished through one (1) meter shall require separate permits for each building with the permits marked numerically. The administration fee of \$\_\_\_\_\_ shall be charged on each permit.
- (2) Permits will not be required on individual financed residential renovations, which are not metered or serviced by others. Special consideration will be given to residential renovations covering, but not limited to, laundries, storage rooms, garages, etc.
- (3) Where several service entrance meters are installed on one (1) building, separate permits will be required for each meter with the permits so marked to identify each building address. The administration fee of \$\_\_\_\_\_ will be charged on each permit and permit fees shall be charged as though each meter location was a separate building.
- (4) Exception:
  - (a) Electrical permits. The administration charge of ten dollars (\$10.00) will be waived on all but one (1) permit where several meters are installed on one (1) building in group R. division 1, occupancies, and shall be waived for prefinal and temporary pole inspection.
  - (b) Buildings classified as condominium shall be considered as single-family dwellings provided the necessary building code requirements are complied with.

E. Retention of plans. One (1) set of approved plans and specifications, including appropriate calculations and computations, shall be retained by the building official for a period of not less than ninety (90) days from the date of completion of the work covered therein.

F. **Validity of permit.** The approval and issuance of a permit of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or technical codes, or of any other ordinance of the Pueblo. No permit presuming to give authority to violate or cancel the provisions of these codes shall be valid.

G. The issuance of a permit based upon plans, specifications and other data shall not prevent the building official from receiving documented correction of errors. All uncorrected plans, specifications and other data used for the construction of the project shall be at the contractors risk for replacement once the plan is corrected.

H. **Expiration.** Every permit, issued by the building official, under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within \_\_\_\_ days from the date of issuance. Should the construction, authorized by such permit, be suspended or abandoned at any time thereafter, an additional grace period of permit validity shall commence within \_\_\_\_ days. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefor shall be one-half ( $\frac{1}{2}$ ) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one (1) year.

I. Any permittee holding an unexpired permit may apply for an extension of the time, if the request is made within the time allowed prior to construction. Claims for time extension shall include sufficient justification and shall be in writing by the permittee. No permit shall be extended more than once and upon renewal, payment shall be made in full.

J. **Suspension or revocation.** The building official may, in writing, suspend or revoke a permit issued under the provisions of these Codes or technical codes, or any other ordinance of the Pueblo, whenever the permit is issued in error or incorrect information is not corrected, or in violation of any ordinance or regulation or any of the provisions of these Codes.

#### **Section 16-1-16. Fees.**

A. **Permit fees.** The fee for each permit shall be as set forth by Council action and will be tabulated in Table: Fee Schedule for Permits. Where a permit fee is not clearly mentioned by the technical code, the fee required shall be in accordance with the schedule established by the legislative body.

- (1) The value established as a base building permit amount, shall be based on a percentage of the total value of all construction work for which the permit is issued. This will include all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

B. *Plan review fees.* When plans, drawings or other data are required for submission in accordance with subsection 16-1-14E., a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee for buildings or structures shall be sixty-five (65) percent of the building permit fee as shown in Table: Fee Schedule for Permits.

- (1) The plan review fees for electrical, mechanical, plumbing and site grading shall be equal to twenty-five (25) percent of the total permit fee, as set forth in Table: Fee Schedule for Permits.
- (2) Where a newly adopted code has been approved for implementation, for which no fee schedule is shown, the fee required shall be in accordance with the schedule established by the legislative body.
- (3) Where plans are incomplete or changed and requires additional plan review, an additional review fee shall be charged at the rate shown in Table: Fee Schedule for Permits.

C. *Expiration of plan review.* Should a permit not be issued within \_\_\_\_ days following the date of submission, the plan review shall expire by limitation and all documents submitted for review will be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding \_\_\_\_ days upon request by the applicant. Circumstances beyond the control of the reviewer will have prevented action from being taken and will be a factor in the issuance of a plan review permit.

D. *Investigation fees; work without a permit; investigation.* Whenever any work for which a permit is required, has been commenced without first obtaining said permit, an investigation shall be made before a permit may be issued for such work with penalty assessed as investigation fees. An investigation fee shall be collected whether or not a permit is issued. The investigation fee shall be equal to the amount of the permit fee required by this chapter. The minimum investigation fee shall be the same as the minimum fee set forth in Table: Fee Schedule for Permits. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either this chapter or the technical codes, nor from any penalty prescribed by law.

E. *Fee refunds.*

- (1) The building official may authorize the refund of any fee paid hereunder, which was erroneously paid or collected.
- (2) The building official may authorize a refund of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with this chapter.
- (3) The building official may authorize a refund of not more than eighty (80) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is completed.
- (4) The building official shall authorize to refund of any fee paid upon written application filed by the original permittee not later than \_\_\_\_ days after the date of fee payment.

**Section 16-1-17. Inspections.**

A. *General.* All construction or work for which a permit is required shall be subject to inspection by the building official, with provisions of special types of construction requiring continuous inspection as specified in section 16-1-18.

- (1) A field survey, of the lot, may be required by the building official to verify compliance of the project structure or structures with approved plans. It shall be the duty of the permit applicant to allow the work to be accessible and exposed for inspection purposes. Inspections shall cover specific items, as shown or indicated on the approved construction schedule. Neither the building official, nor the Pueblo shall be liable for expenses entailed in the removal or replacement of any material, excavations, or other activities that may be required to allow inspection.

B. *Construction progress inspection notification.* A minimum of a two-day notice shall be provided by the entity or persons performing the work as authorized by a permit when such work is ready for inspection. Such request may be in writing or by telephone at the option of the building official. It shall be the responsibility of the entity or persons requesting any inspections required to provide access to the means for proper inspection of such work.

C. *Inspection record notice.* Projects requiring Pueblo Administration Inspections and a building permit shall not commence until the permittee or his agent shall have posted an inspection record notice in a conspicuous place on the premises and in such position as to allow the building official conveniently to make the required entries thereon regarding inspection of the work. This notice shall be maintained in such position, by the permittee, until the final inspection or certificate of occupancy has been issued by the building official.

D. *Project inspection; area constraints.* No work shall be done on any part of the buildings, structures or other construction elements beyond the point indicated in each completed successive inspection without first obtaining the approval of the building official. Such approval shall be given only after each successive construction inspection step is completed as required in subsection E. There shall be a final inspection and approval on all buildings and building service equipment when completed and ready for occupancy or use.

E. *Minimum required building inspections.* Reinforcing steel, structural framework or subgrade preparation of any part of any building or structure shall be inspected prior to being covered or concealed without first obtaining the approval of the building official.

- (1) The building official, upon notification from the permit holder or his agent, shall perform the following minimum inspections and shall approve the portions of the construction in compliance as completed and/or shall notify the permit holder or his agent of unacceptable construction, noncompliance with this chapter:
  - (a) *Foundation inspection.* Inspection elements shall include all subgrade preparation, lines and grade on all excavated areas. Formwork, steel and other related cast in place items erected for the foundation structures. Where concrete from a central mixing plant (commonly termed "transit mixed") is to be used, all job tickets will be examined for material compliance.

- (b) *Concrete slab or under-floor inspections.* Inspections are to be made after all in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is poured or floor sheathing installed, including the sub-floor. All prescribed plumbing tests shall be performed and accepted by the construction management representative.
- (c) *Framing inspection.* Inspections are to be conducted after all framing, fire, blocking, roofing and bracing are in place. This shall include all framing provisions for pipes, chimneys and vents are complete and approved for rough electrical, plumbing and heating wires, pipes and ducts.
- (d) *Drywall or wallboard inspection.* Inspection is to be conducted after all drywall or wallboard, interior or exterior is in place. The inspection shall be conducted before any plastering is applied or before wallboard joints and fasteners are taped and finished.
- (e) *Electrical-mechanical inspections.* All electrical and mechanical systems shall be inspected for load and balancing attributes.
- (f) *Final inspection.* A final inspection is to be conducted after all finishes, equipment, grading and the scope of work is completed and ready for inspection.

F. *Required building service equipment inspections.* In general, the building official shall inspect all building and other project elements, service equipment, for which the permit has been issued. (Any permanent portion of the building until shall conceal no portion of any building or project element inspected and approved.) All connections to water, gas, power supply, sewer system or other utilities, shall not be completed until authorized by the building official.

G. *Use of building and equipment.* The requirements of this section shall not be considered to prohibit the operation of any portion of a building or equipment installed, serving an occupied portion of the building. In the event a request for inspection of such building construction or equipment installation has been requested or applied for, the building official shall inspect the work not more than forty-eight (48) hours after such replacement work is completed, or before any portion of such building service equipment is concealed by any permanent portion of the building.

H. *Other inspections.* In addition to the inspections previously specified, the building official may make or require additional inspections of any construction work to ascertain compliance with the provisions of applicable building codes and other regulations which are enforced by the Pueblo.

I. *Noncompliant inspection fees.* A noncompliant inspection fee may be assessed for such inspection or follow-up inspections performed, when such portion of work for which inspection was conducted was noncompliant or when adjustments were made. This subsection addresses the excessive inspection requests on incomplete work that has been inspected and no noticeable changes are recorded.

- (1) Noncompliant inspection fees are generally assessed if the permit is not properly posted on the work site, the approved plans are not readily available to the inspector,

access to the areas for which inspection is requested is not provided, or for deviating from plans without proper approvals, by the contracting parties. The fee amount shall be established on the basis of the inspections conducted and pending actions. Noncompliant inspection of the work will be performed after the required fees have been paid.

**Section 16-1-18. Work progress inspections, minimum inspections.**

In addition to the inspections to be made as specified in section 16-1-17, the owner shall provide notice of construction activities to the permitting office during construction on the following types of work:

- A. *Concrete.* All cast in place concrete pours shall be inspected and tested in compliance with the standard provisions set forth in the Uniform Building Code or any cited provision of the contract. All delivery tickets and testing reports shall be made available to the inspector during the time of concrete delivery.
  - (1) Exceptions:
    - (a) Concrete for nonstructural applications outside of foundation areas conforming to the minimum requirements, as previously established by review of the construction documents and plans, provided no special hazards exist.
    - (b) Nonstructural slabs on grade, including prestressed slabs on grade when effective prestress in concrete is less than one hundred fifty (150) pounds per square inch, or otherwise approved by submittal review.
- B. *Ductile moment-resisting concrete frame.* As required by section 2626(h) of the Uniform Building Code.
- C. *Reinforcing steel and prestressing steel.*
  - (1) Provide steel schedule for all placement, ties of prestressing concrete and grouting applications.
  - (2) Provide a schedule for placement and ties of reinforcing steel, placing of stirrups and dowels, other applicable steel installation and clearances of steel.
- D. *Welding.*
  - (1) Nondestructive testing and inspection shall be performed when required by the project specifications or as cited by the Uniform Building Code. Verification of required welding sequence and weld passes will be required.
  - (2) Exceptions:
    - (a) When welding is conducted in a fabricator's shop, applicable certification documents shall be provided with the product submittal.
    - (b) When allowable stresses are less than fifty (50) percent of calculated stresses, in areas of nonstructural load applications. Floor and roof deck welding and welded studs, when used for structural diaphragm or composite

systems, may require a scheduled inspection scheme. The qualification of welders shall be provided, at start of work and periodically during the course of the welding operation.

- E. *Bolting and fastening.* Proper bolting and fastening techniques shall be incorporated to assure specified torque and alignments of the plate(s) or sections of the structure being erected during all bolt installations and tightening operations.
- (1) Exceptions: The inspector need not be present during the entire installation and tightening operation, provided he has:
- (a) Inspected the surfaces, verified bolt type and bolt stress conformance, to plans and specifications prior to start of fabrication.
  - (b) Verified the minimum specified bolt torque is in compliance with the plans and specifications.
  - (c) In bearing-type connections when threads are not required by design to be excluded from the shear plane, inspection prior to or during installation will not be required.
- F. *Structural masonry.* Inspections shall cover masonry wall prisms, mix sampling and masonry unit placement, reinforcement placement, grout spacing immediately prior to closing of clean outs and all grouting operations. Where the concrete compressive strength is less than two thousand six hundred (2,600) psi and special inspection stresses are used, test specimens may consist of one (1) prism test for each five thousand (5,000) square feet of wall area, or a series of tests based on both grout and mortar for the first three (3) consecutive days and each third day thereafter.
- (1) Exception: Special inspection will not be required for structures designed in accordance with the values in appropriate tables for noncontinuous inspection.
- G. *Reinforced gypsum concrete.* Inspections shall be performed when cast-in-place class B gypsum concrete is being mixed and placed.
- H. *Insulating concrete fill.* Inspections shall be performed during the application of insulating concrete fill when used as part of a structural system.
- (1) Exception: Inspections may be limited to an initial inspection checking the deck surface and placement of reinforcing. The inspector shall verify the compression test specimens during this initial inspection.
- I. *Sprayed-on fireproofing.* As required by Uniform Building Code standard.
- J. *Piling, drilled piers and caissons.* For piers and caisson construction, the drilling of the piers or driving of piles shall be inspected for depth and size specifications. Construction of cast-in-place concrete drilled piles or caissons structures shall follow Items Nos. 1 and 3 for concrete and reinforcing steel inspection.
- K. *Grading, excavation and filling.* During earthwork, excavations, grading and filling operations shall be inspected satisfying requirements of chapter 29 and chapter 70



(appendix) of the building code. All subgrade density requirements shall be in conformance to specifications, as cited in the building code. Site soil or borrow material shall be sampled by a qualified certified approved laboratory.

- L. *Specialized inspections.* Inspections shall be performed for work, that involves specialized and nontypical construction or fabrication conditions, by a qualified professional. The qualified person shall demonstrate his competence, to the satisfaction of the building official, for inspection of the particular type of construction or operation requiring special inspection, for conformance to the plans and specifications.
- M. Reports shall be provided to the building official, the engineer or architect of record and other designated persons. All discrepancies shall be brought to the immediate attention of the contractor for correction, then, if uncorrected, to the proper design authority and to the building official.
- N. Waiver of special inspection shall be at the discretion of the building official if he finds that the specialized conditions are minor.
- O. *Fabrication inspections.* Fabrication inspection required by this section, and elsewhere in this chapter or the technical codes, shall be conducted as required by the specifications by a qualified professional inspector. Inspections at the fabrication premises shall not be required if the fabrication is performed by mechanical means with an approved quality assurance plan and is approved by the building official. The approved fabricator shall submit a certificate of compliance that the work was performed in accordance with the approved plans and specifications to the building official and to the engineer or architect of record. The approved fabricator's qualifications shall be contingent on compliance with the following:
  - (1) The fabricator has developed and submitted a detailed fabrication procedural manual reflecting key quality control procedures, which will provide a basis for inspection control of workmanship and the fabricator plant.
  - (2) Verification of the fabricator's quality control capabilities, plant and personnel as outlined in the fabrication procedural manual shall be by an approved inspection or quality control agency.
  - (3) Periodic plant inspections shall be conducted by an approved inspection or quality control agency to monitor the effectiveness of the quality control program.
  - (4) It shall be the responsibility of the inspection or quality control agency to notify, the approving authority in writing of any change to the procedural manual. Any fabrications without approval may be revoked for just cause. Re-approval of the fabricator shall be contingent with quality control procedures during the past year.

#### **Section 16-1-19. Connection approval.**

A. *Power or energy connections.* No person shall make connections from a source of energy, fuel or power to any building service equipment, regulated by the building codes and for which a permit is required, until approved by the building official.

B. *Temporary power or energy connections.* The building official may authorize the temporary connection of the building service equipment to the source of energy or fuel, for the purpose of testing building service equipment, or for use under a temporary certificate of occupancy.

**Section 16-1-20. Certificate of occupancy.**

A. *Use or occupancy.* No building or structure of groups A, E, I, H, B, or R, division 1, occupancy, except as excluded in subsection 16-1-13A.(2) shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof, shall be made until the building official has issued a certificate of occupancy therefor as provided herein.

B. *Change in use.* Changes in the character or use of a building shall not be made except as specified in the building code or approved by the governing official.

C. *Certificate issued.* After inspection when it is found that the building or structure complies with the provisions of the building codes, the building official shall issue a certificate of occupancy, which shall contain the following:

- (1) The building permit number.
- (2) The location of the building.
- (3) The name and address of the owner.
- (4) A description of that portion of the building for which the certificate is issued.
- (5) A statement that the described portion of the building complies with the requirements of this chapter and the technical codes for the group and division of occupancy and the use for which the proposed occupancy is classified.
- (6) The name of the building official.
- (7) Name of contractor with full disclosure of pending construction issues and warranty information, as required for operation and maintenance.

D. *Temporary certificate.* If the building official finds that no substantial hazard will result from occupancy of any building or portion thereof, before the project is completed, he may issue a temporary certificate of occupancy for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

E. *Posting.* The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

**TABLE NO. 3-A BUILDING PERMIT FEES**

<b>TOTAL VALUATION</b>	<b>FEE</b>
\$1.00 to \$500.00	\$10.00
\$501.00 to \$2,000.00	\$10.00 for the first \$500.00 plus \$1.50 for each additional \$100.00 or a fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$32.50 for the first \$2,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$170.50 for the first \$25,000.00 plus \$4.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$283.00 for the first \$50,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 and up	\$433.00 for the first \$100,000.00 plus \$2.50 for each additional \$1,000.00 or fraction thereof
<b>Other Inspection and Fees:</b>	
1. Inspection outside of normal business hours (minimum charge, 2 hours)	\$15.00 per hour
2. Re-inspection fee assessed under provisions of Section 305 (h)	\$15.00 each
3. Inspections for which no fee is specifically indicated	\$15.00 per hour
4. Additional plan review required by changes, additions or revisions to approved plans (minimum charge-one-half hour)	\$15.00 per hour

**TABLE NO. 3-B ELECTRICAL PERMIT FEES**

**Permit Issuance**

For issuing each permit.....	\$10.00
For issuing each supplemental permit .....	\$3.00

**SYSTEM FEE SCHEDULE:** (Note: The following do not include permit issuing fee.)

**New residential buildings**

The following fees shall include all wiring and electrical equipment in or on each building, or other electrical equipment on the same premises constructed at the same time .....	\$20.00
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**For new multifamily residential buildings** (apartments and condominiums)

With three (3) or more living limits not including the area of garages, carports and other noncommercial automobile storage areas constructed at the same time, per square foot .....	\$20.00
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**For new single and two-family residential buildings**

Buildings not including the area of garages, carports and other minor accessory buildings constructed at the same time, per square foot. ....	\$25.00
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**For other types of residential occupancies and alterations**

Additions and modifications to existing residential buildings use the UNIT FEE SCHEDULE.

**Private Swimming Pools**

For new private, residential, in-ground swimming pools for single-family occupancies including a complete system of necessary branch circuit wiring, bonding, grounding, underwater lighting, water pumping and other similar electrical equipment directly related to the operation of a swimming pool....	\$20.00
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For other types of swimming pools, therapeutic whirlpools, spas, and alterations to existing swimming pools use the UNIT FEE SCHEDULE.

**Carnivals and Circuses**

Carnivals, circuses or other traveling shows or exhibitions utilizing transportable-type rides, booths, displays and attractions. For electric generators and electrically driven rides .....	\$10.00 each
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For mechanically-driven rides and walk through attractions or displays having electric lighting .....	\$3.00 each
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For a system of area and booth lighting .....	\$3.00 each
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For permanently installed rides, booths, displays and attractions use the UNIT FEE SCHEDULE.

**Temporary Power Service**

For a temporary service power pole or pedestal including all pole or pedestal-mounted receptacle outlets and appurtenances ..... \$10.00 each

For a temporary distribution system and temporary lighting and receptacle outlets for construction sites, decorative light, Christmas tree sales lots, firework stands, etc ..... \$5.00 each

**UNIT FEE SCHEDULE** (Note: The following do not include permit issuing fee).**Receptacle, Switch and Lighting Outlets**

For receptacle, switch, fighting or other outlets at which current is used or controlled, except services, feeders and meters

First 20, each ..... \$.50

Additional outlets, each ..... \$.30

Note: For multi-outlet assemblies, each five (5) feet or fraction thereof may be considered as one (1) outlet.

**Lighting fixtures**

For lighting fixtures, sockets or other lamp holding devices

First 20, each ..... \$.50

Additional fixtures, each ..... \$.30

For pole or platform-mounted lighting fixtures, each ..... \$.50

For theatrical-type lighting fixtures assemblies, each. .... \$.50

**Residential Appliances**

For fixed residential appliances or receptacle outlets for same, including wall-mounted electric ovens, counter-mounted cooking tops, electric ranges, self-contained room, console, or through wall air conditioners, space heaters, food waste grinders, dishwashers, washing machines, water heaters, clothes dryers, or other motor operated appliances not exceeding one horsepower (HP) in rating. .... \$2.00 each

Note: For other types of air conditioners and other motor-driven appliances having larger electrical rating, see Power Apparatus.

**Nonresidential Appliances**

For residential appliances and self-contained factory wired nonresidential appliances not exceeding one horsepower (HP), kilowatt (KW), or Kilovolt-ampere (KVA), in rating including medical and dental devices, food, beverage, and ice cream cabinets, illuminated show cases, drinking fountains, vending machines, laundry machines, or other similar types of equipment. .... \$2.00 each

Note: For other types of air conditioners and other motor-driven appliances having larger electrical ratings, see Power Apparatus.

### **Power Apparatus**

For motors, generators, transformers, rectifiers, synchronous converters, capacitors, industrial heating, air conditioners and heat pumps, cooking or baking equipment and other apparatus, as follows:

Rating in horsepower (HP), kilowatts (KW), kilovolt-amperes (K-VA), or kilovolt-amperes reactive (KVAR):

Up to and including 1 each.....	\$2.00
Over 1 and not over 10, each.....	\$5.00
Over 10 and not over 50, each.....	\$10.00
Over 50 and not over 100, each.....	\$20.00
Over 100, each.....	\$30.00

Note:

1. For equipment or appliances having more than one motor, transformer, heater, etc., the sum of the combined ratings may be used.
2. These fees include all switches, circuit breakers, contractors, thermostats, relays and other directly related control equipment.

### **Busways**

For trolley and plug-in-type busways, each one hundred (100) feet or fraction thereof ..... \$3.00

Note: An additional fee will be required for lighting fixtures, motors and other appliances that are connected to trolley and plug-in-type busways. No fee is required for portable tools.

### **Signs, Outside Lighting and Marquees**

For signs, outside lighting systems or marquees supplied from one (1) branch circuit ..... \$10.00 each

For additional branch circuits within the same sign, outside lighting system or marquees ..... \$2.00 each

### **Services**

For services of 600 volts or less and not over 200 amperes in rating..... \$12.50 each

For services of 600 volts or less and over 200 amperes to 1,000 amperes in rating ..... \$25.00 each

### **Miscellaneous Apparatus, Conduits and Conductors**

For electrical apparatus, conduits and conductors for which a permit is required but for which no fee is herein set forth ..... \$7.50 each

Note: This fee is not applicable when a fee is paid for one (1) or more services, outlets, fixtures, appliances, power apparatus bus ways, signs or other equipment.

**Other Inspections and Fees:**

1. Inspections outside of normal business hours (minimum charge - two hours) .....\$15.00 per hour
2. Re-inspection fee assessed under provisions of Section 305(h) ..... \$15.00 each
3. Inspections for which no fee is specifically indicated (minimum charge - one-half hour) .....\$15.00 per hour
4. Additional plan review required by changes, additions or revisions to approved plans (minimum charge - one-half hour).....\$15.00 per hour

**TABLE NO. 3-C MECHANICAL PERMIT FEES****Permit Issuance**

- |    |  |         |
|----|--|---------|
| 1. | For the issuance of each permit.....           | \$10.00 |
| 2. | For issuing equipment supplemental permit..... | \$3.00  |

**UNIT FEE SCHEDULE**

- |     |  |         |
|-----|--|---------|
| 1.  | For the installation or relocation of each forced air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 Btu/h.....  | \$6.00  |
| 2.  | For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h .....   | \$7.50  |
| 3.  | For the installation or relocation of each floor furnace, including vent ..  | \$6.00  |
| 4.  | For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater .....   | \$6.00  |
| 5.  | For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit.....  | \$3.00  |
| 6.  | For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls regulated by this chapter ..... | \$6.00  |
| 7.  | For the installation or relocation of each boiler or compressor to and including three-horsepower, or each absorption system to and including 100,000 Btu/h .....  | \$6.00  |
| 8.  | For the installation or relocation of each boiler or compressor over three-horsepower, to and including 15-horsepower, or absorption system over 100,000 Btu/h and including 500,000 Btu/h .....   | \$11.00 |
| 9.  | For the installation or relocation of each boiler or compressor over 15-horsepower to and including 30-horsepower, or each absorption system over 500,000 Btu/h to and including 1,000,000 Btu/h.....  | \$15.00 |
| 10. | For the installation or relocation of each boiler or compressor over 30-horsepower to and including 50-horsepower, or for each absorption system over 100,000 Btu/h to and including 750,000 Btu/h.....  | \$22.50 |
| 11. | For the installation or relocation of each boiler or refrigeration compressor over 50-horsepower, or each absorption system over 1,750,000 Btu/h   | \$37.50 |
| 12. | For each air-handling unit to and including 10,000 cubic feet per minute, including ducts attached thereto.....  | \$4.50  |



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13. For each air-handling unit over 10,000 cfm .....	\$7.50
14. For each evaporative cooler other than portable type .....	\$4.50
15. For each ventilation fan connected to a single duct.....	\$3.00
16. For each ventilation system which is not a portion of any heating or air conditioning system authorized by a permit .....	\$4.50
17. For the installation or relocation of each domestic type incinerator .....	\$4.50
18. For the installation or relocation of each domestic type incinerator .....	\$7.50
19. For the installation or relocation of each commercial or industrial type incinerator .....	\$30.00
20. For each appliance or piece of equipment regulated by this Code, but not classed in other appliance categories, or for which no other fee is listed in this Code .....	\$4.50

### **Other Inspections and Fees:**

1. Inspections outside of normal business hours, (minimum charge - two hours) .....	\$15.00 per hour
2. Re-inspection fee assessed under provisions of Section 305(h) .....	\$15.00 each
3. Inspections for which no fee is specifically indicated.....	\$15.00 per hour
4. Additional plan review required by changes, additions or revisions to approved plans (Minimum charge - one-half hour) .....	\$15.00

**TABLE NO. 3-D PLUMBING PERMIT FEES****Permit Issuance**

- |    |   |         |
|----|---|---------|
| 1. | For issuing each permit.....              | \$10.00 |
| 2. | For issuing each supplemental permit..... | \$4.50  |

**UNIT FEE SCHEDULE** (in addition to 1. or 2. above)

- |     |   |             |
|-----|---|-------------|
| 1.  | For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection thereof) .....                     | \$4.00      |
| 2.  | For each building sewer and each trailer park sewer .....   | \$10.00     |
| 3.  | Rainwater systems-per drain (inside building) .....   | \$4.00      |
| 4.  | For each cesspool (where permitted) .....   | \$15.00     |
| 5.  | For each private sewage disposal system .....   | \$30.00     |
| 6.  | For each water heater and/or vent .....   | \$5.00      |
| 7.  | For each gas piping system of one to five outlets .....   | \$5.00      |
| 8.  | For each gas piping system over five outlets, per outlet.....   | \$1.00      |
| 9.  | For each industrial waste pretreatment interceptor including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps ..... | \$8.00      |
| 10. | For installation, alteration or repair of water piping and/or water treating equipment .....  | \$2.00 each |
| 11. | For repair or alteration of drainage or vent piping, each fixture.....  | \$2.00      |
| 12. | For each lawn sprinkler system on any one meter including backflow protection devices therefore .....   | \$6.00      |
| 13. | For atmospheric-type vacuum breakers not included in Item 2:1 to 5 ...  | \$5.00      |
| 14. | For each backflow protective device other than atmospheric-type vacuum breakers:  |             |
|     | Two (2) inches and smaller .....  | \$5.00      |
|     | Over two (2) inches .....   | \$10.00     |
| 15. | For each gas piping system of one (1) to four (4) outlets .....   | \$2.00      |
| 16. | For each gas piping system of five (5) or more outlets, per outlet.....   | \$0.50      |

**Other Inspections and Fees**

- |    |   |                  |
|----|---|------------------|
| 1. | Inspections outside of normal business hours (minimum charge - two hours) ..... | \$15.00 per hour |
| 2. | Re-inspection fee assessed under provisions of Section 305(a) .....             | \$15.00 each     |

3. Inspection for which no fee is specifically indicated (minimum charge - one-half hour) .....\$15.00 per hour
4. Additional plan review required by changes, additions or revisions to approved plans (minimum charge - one-half hour).....\$15.00 per hour

**TABLE NO. 3-E GRADING PERMIT FEES**

50 cubic yards or less .....	\$10.00
51 to 100 cubic yards .....	\$15.00
101 to 1,000 cubic yards—\$15.00 for the first 100 cubic yards plus \$7.00 for each additional 100 cubic yards or fraction thereof.	
1,001 to 10,000 cubic yards—\$78.00 for the first 1,000 cubic yards, plus \$6.00 for each additional 1,000 cubic yards or fraction thereof.	
10,001 to 100,000 cubic yards—\$132.00 for the first 10,000 cubic yards, plus \$27.00 for each additional 10,000 cubic yards or fraction thereof.	
100,001 cubic yards or more—\$375.00 for the first 100,000 cubic yards, plus \$15.00 for each additional 10,000 cubic yards or fraction thereof.	

**Other Inspections and Fees:**

1. Inspections outside of normal business hours (minimum charge - two hours) .....\$15.00 per hour
2. Re-inspection fee assessed under provisions of Section 305(h) ..... \$15.00 each
3. Inspections for which no fee is specifically indicated (minimum charge - one-half hour) .....\$15.00 per hour

**TABLE NO. 3-F-GRADING PLAN REVIEW FEES**

50 cubic yards and less.....	No Fee
51 to 100 cubic yards .....	\$10.00
101 to 1,000 cubic yards.....	\$15.00
1,001 to 10,000 cubic yards.....	\$20.00
10,000 to 100,000 cubic yards—\$20.00 for the first 10,000 cubic yards, plus \$10.00 for each additional 10,000 cubic yards, or fraction thereof.	
100,001 to 200,000 cubic yards—\$110.00 for the first 100,000 cubic yards, plus \$6.00 for each additional 10,000 cubic yards or fraction thereof.	
200,001 cubic yards or more—\$170.00 for the first 200,000 cubic yards, plus \$3.00 for each additional 10,000 cubic yards or fraction thereof.	

**Other Inspections and Fees:**

Additional plan review required by changes, additions or revisions to approved plans (minimum charge - one-half hour).....	\$15.00 per hour
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### TITLE XVI HISTORY

**Title XVI, Chapter 1, Uniform Administrative and Building Code**, was adopted by Resolution No. 69-81 on November 9, 1981, enacting Ordinance No. 003-81.

**Resolution No. 69-81 reads as follows:**

WHEREAS The Council of the Pueblo of Laguna has decided that it is in the best interest of the Pueblo to enact a Building Code and establish a Laguna Building Code Administration Office; and

WHEREAS The Council on 20 July 1981 authorized the use of certain Standard National Building Codes and appointed a Committee to develop a draft ordinance and amendments for adoption of these codes; and

WHEREAS, the Committee has today, 9 November 1981, presented a draft Ordinance, Administrative Code, and Amendments to the Technical Codes which bring the standard documents into conformance with the customs, practices, and special requirements of the Pueblo of Laguna.

NOW, THEREFORE BE IT RESOLVED that this Ordinance, Administrative Code, and Amendments to Technical Codes, which are attached hereto, with the Building Codes adopted by reference, are hereby adopted by the Council of the Pueblo of Laguna to be the Uniform Building Code of the Pueblo of Laguna.

**Ordinance No. 003-81 reads as follows:**

Adopting a Uniform Administrative Code and Technical Codes Regulating the Construction. Alteration, Moving, Repair and Use and Occupancies of Buildings or Structures and Building Service Equipment and Installations Including Plumbing, Swimming Pools, Electrical, Mechanical, Energy Conservation and the Abatement of Dangerous Buildings on the Laguna Reservation, Providing for the Issuance of Permits and Collecting Fees, Providing for Penalties for Violation of the Building Code, Providing a Severability Clause, Providing an Effective Date and Providing for Publication.

The Tribal Council of the Pueblo of Laguna Does Ordain as Follows: [TEXT OF ORDINANCE]

- A. **Adoption of the Uniform Administrative Code of the Pueblo of Laguna.** This Code shall serve as the administrative, organizational and enforcement rules and regulations for the adopted technical codes on the Laguna Reservation, New Mexico.
- B. **Adoption of the Technical Codes of the Pueblo of Laguna.** For the purpose of prescribing minimum standards regulating, construction and maintenance of buildings and structures including all building service equipment and installations within the Laguna Reservation, New Mexico, the following technical codes are adopted:
  - (1) Uniform Building Code (of which Chapter 53 is the Code for Energy Conservation in New Building Construction), 1979.
  - (2) Uniform Mechanical Code, 1979.

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- (3) ICBO Plumbing Code, 1979.
  - (4) National Electrical Code, 1981.
  - (5) Code for Safety to Life, 1976.
  - (6) One- and Two-Family Dwelling Code, 1979.
  - (7) Uniform Swimming Pool Code, 1979
- C. **These Technical Codes Are Adopted in the Editions Noted, With All Current Accumulative Supplements.** These codes, with this Administrative Code and the amendments below, are hereby adopted by reference and incorporated herein as fully as if set out in full and shall be known as the Uniform Construction Code of the Pueblo of Laguna. It shall be the responsibility of the Building Official, when a new edition of any of these codes is issued, to review it or have it reviewed by a member of his or her staff, and when he finds it appropriate to recommend to the Council the adoption of a new edition, with such amendments as he deems necessary.
- D. **A Copy of the Uniform Construction Code of the Pueblo of Laguna as Adopted by this Ordinance Is on File in the Office of the Tribal Secretary.** A copy of this Code is available in the Laguna Building Code Administration Office and may be inspected by the public during regular business hours. A copy of this Code shall be available to any individual on request and the payment of a reasonable charge as set by the Building Official, to be not less than the actual cost per copy.
- E. **These Administrative and Technical Codes Shall Supersede Any and All Other Codes Adopted for the Purpose of Regulating Construction on the Laguna Reservation.**
- F. **Amendments to the Uniform Codes of The Pueblo of Laguna.** The Uniform Codes of the Pueblo of Laguna hereby adopted may be amended or repealed in the same manner as ordinances are amended or repealed.
- G. **Penalties.** Any person violating any of the provisions of this Code or failing or neglecting to comply with any orders issued pursuant to any section thereof shall be prosecuted in Tribal Court, and if found guilty shall be deemed guilty of a misdemeanor. Such persons shall be guilty of a separate offense for each and every day or portion thereof during which any such violation is continued or permitted. Upon conviction of any such violations, such persons shall be punished by fine or imprisonment, or both, as set by the Council.
- H. **The Tribal Secretary Shall Certify to the Adoption of this Ordinance and Cause the Same to Be Published.**
- I. **If Any Section, Subsection, Sentence, Clause or Phrase of this Ordinance Is, for any Reason, Held to Be Unconstitutional, Such Decision Shall Not Affect the Validity of the Remaining Portions of this Ordinance.** The Council hereby

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declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

- J. **That this Ordinance Shall Be and Is Hereby Declared to Be in Full Force And Effect, from 9 November 1981.**

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